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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,821	03/06/2006	Klaus Becker-Weimann	42660119PUS1	7091
2292 7590 07/25/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HAGEDORN, MICHAEL E				
ART UNIT 4159		PAPER NUMBER		
NOTIFICATION DATE 07/25/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/570,821

Applicant(s)

BECKER-WEIMANN, KLAUS

Examiner

MICHAEL HAGEDORN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 06 March 2006.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities: the applicant fails to specify the type of "cartridge" (line 2) that the heating cartridge is arranged around. This should be changed to "adhesive cartridge" so that the scope is consistent in the application. Appropriate correction is required.
2. Claim 10 is objected to because of the following informalities: line 2 of claim 10 recites "actuatable" which appears to be the misspelling of the word "actuable". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10 - 21 is rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language of the "heat cartridge" as well as sentence "The adhesive fluid dispensing device, wherein the adhesive fluid cartridge is composed of metal and onto a metal thread on the dispensing device" makes the claims indefinite because it is unclear what is being claimed.
5. In Re claim 10, 18, 19, 20 the word "cartridge" is defined as follows: "Any small container for powder, liquid, or gas, made for ready insertion into some device or mechanism." <http://dictionary.reference.com/browse/cartridge> (accessed July 1st, 2008). The applicant uses the phrase "heat cartridge" which by definition would not be

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satisfied because the "heating cartridge" contains no powder, liquid, or gas made ready for insertion.

6. In Re to claim 13 and 14 the sentence "The adhesive fluid dispensing device, wherein the adhesive fluid cartridge is composed of metal and onto a metal thread on the dispensing device" is unclear and does not make sense what this meant by this.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 10, 11, 12, 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Belanger et al. (US Patent 5,026,187)

9. In Re claim 10, with reference to figure 1, and the specification, Belanger et al (US Patent 5,026,187) discloses

a. An adhesive fluid dispensing device (2) with an adhesive fluid dispensing tip (18) to which a flow from an adhesive fluid cartridge passes (6), and a manually actable adhesive fluid cartridge actuating ram (28), the adhesive fluid cartridge being assigned a heating cartridge (10) for heating the adhesive fluid

(8) to a temperature sufficient for flow to pass through an adhesive fluid dispensing tip (18) upon actuation of a ram, wherein the heating cartridge (8) is not in direct contact with the adhesive fluid dispensing tip (18), and the dispensing tip is composed of readily heat-conductive material (column 4, lines 32-35).

10. In Re claim 11, with reference to figure 1 below, Belanger et al. (US Patent 5,026,187) discloses

a. An adhesive fluid dispensing device (2), wherein the dispensing tip (18) is heated substantially just by the adhesive fluid flowing out.

11. In Re claim 12, with reference to figure 1, and the specification, Belanger et al (US Patent 5,026,187) discloses

a. The adhesive fluid dispensing device (2), wherein the dispensing tip (18) is heated substantially just by the adhesive fluid (8) flowing out.

12. In Re claim 15, with reference to figure 1, and the specification, Belanger et al (US Patent 5,026,187) discloses

a. The adhesive fluid dispensing device (2), wherein the ram (28) acts on the plunger (24).

13. In Re claim 21, with reference to figure 1, Belanger et al (US Patent 5,026,187) discloses

a. An adhesive fluid dispensing device (2), wherein power is supplied by electric current (14).

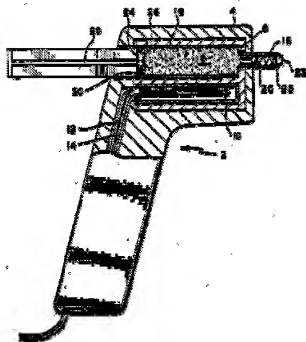


Figure 1

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belanger et al. (US Patent 5,026,187) as applied to claim 10 above, and further in view of Miyata et al. (US Patent Application Publication 2005/0006413).

17. In Re claim 13 and 14, Belanger et al. has been discussed above, but doesn't disclose an adhesive fluid dispensing device, wherein the adhesive fluid cartridge is composed of metal and onto a metal thread on the dispensing device. However Miyata et al, with reference to figure 2 below, discloses an adhesive fluid dispensing device (3), wherein the adhesive fluid cartridge (1) is composed of metal and onto a metal thread (21) on the dispensing device. It would have been obvious to one of ordinary skill in the art to implement Miyata's teaching into Belanger's invention because this would allow the container to be emptied, cleaned and easily disposed of.

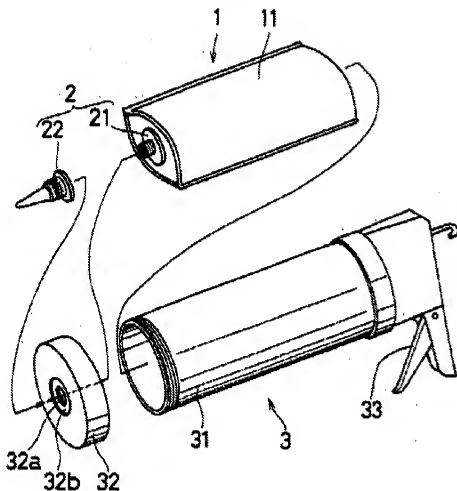


Figure 2

18. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belanger et al. (US Patent 5,026,187) as applied to claim 10 above, and further in view of Osborn et al. (US Patent 6,892,904).

19. In Re claim 16 and 17 Belanger et al. has been discussed above, but doesn't disclose an adhesive fluid dispensing device, wherein the ram is assigned a pistol-type and pliers-type handle. With reference to figure 3 below, Osborn et al. discloses a pistol-

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type and pliers-type handle (220). It would have been obvious to one of ordinary skill in the art to implement a pistol-type or pliers-type handle because this will provide the user better control when dispensing the contained fluid as well as comfort and less force needed to drive the ram.

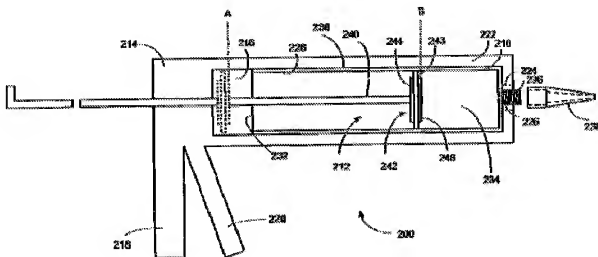


Figure 3

20. Claims 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belanger et al. (US Patent 5,026,187) as applied to claim 10 above, and further in view of Feldman (US Patent 4,067,481).

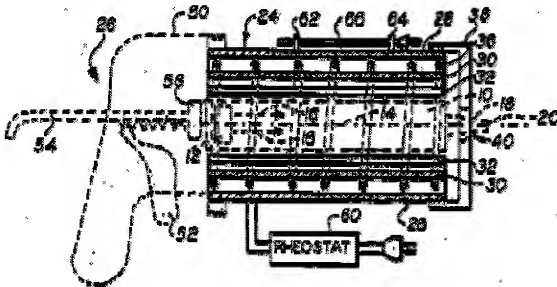
21. In Re claim 18 Belanger et al has been discussed above, but doesn't disclose an adhesive fluid dispensing device, wherein the heating cartridge is arranged around the cartridge. With reference to figure 4 below, Feldman does disclose a heating cartridge (10) that is arranged around the cartridge. It would have been obvious to one of ordinary skill in the art to implement a heating cartridge that is arranged around the cartridge because this would insulate the fluid prevent initial clogging of the adhesive through the

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extrusion nozzle. Furthermore, by arranging the heating cartridge around the adhesive cartridge less time would be needed to melt the adhesive reducing waiting time

22. In Re claim 19, Feldman teaches an adhesive fluid dispensing device, wherein the heating of the cartridge content takes place from diametrically opposite sides as shown in figure 4 (shown below).

23. In Re claim 20, Feldman discloses the heating cartridge insulate the adhesive fluid cartridge against heat losses, along with being capable for disconnection from a power supply during dispensing.



Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sirek et al (US Patent 4,974,752), Callan et al (US Patent 4,065,034 A), D'agostion Monica Anne (US Patent 6,460,736 B1), Henry Ruskin (US Patent

3,612,357) all disclose inventions that pertain to this application. If further prosecution is required these references may be used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL HAGEDORN whose telephone number is (571)270-5705. The examiner can normally be reached on Monday thru Friday 7:30am to 5:00pm EST / alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571)272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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